

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JILBERTO MARTINEZ-BARILLAS,

Petitioner,

v.

Case No. 20-CV-785

ROBERT GUADIAN, et al.,

Respondents.

ORDER DENYING HABEAS PETITION AS MOOT AND DISMISSING CASE

Jilberto Martinez-Barillas filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. (Docket # 1.) Martinez-Barillas was being held in civil detention by U.S. Immigration and Customs Enforcement (“ICE”) at the Dodge County Jail (“Dodge County Jail”) while he awaited deportation. (*Id.* at ¶ 10.) Martinez-Barillas sought release from custody pending deportation due to the fact that he has a pre-existing health condition and the ongoing COVID-19 pandemic. (Docket # 18.) On June 5, 2020, the respondent notified the Court that Martinez-Barillas was removed from the country. (Docket # 21.) Given Martinez-Barillas’ removal, his habeas petition is now moot. *See, e.g., Diaz v. Duckworth*, 143 F.3d 345, 347 (7th Cir. 1998) (holding that a habeas petition challenging a prison disciplinary sanction became moot when the petitioner was deported); *Williford v. Christianson*, No. 15 C 2664, 2016 WL 4798934, at *7 (N.D. Ill. Sept. 14, 2016) (“So, if a habeas petitioner is released while his petition is pending, the petition becomes moot unless its success will enable the petitioner to avoid some other consequence of his conviction.”). Thus, Martinez-Barillas’ petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 is

denied as moot and this case is dismissed. The clerk of court will enter judgment accordingly.

Dated at Milwaukee, Wisconsin this 9th day of June, 2020.

BY THE COURT

s/Nancy Joseph
NANCY JOSEPH
United States Magistrate Judge